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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MICHAEL S. MONTGOMERY,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE,

14 Defendant.

CASE NO. C12-0908JLR

ORDER ADOPTING REPORT
AND RECOMMENDATIONS

15 **I. INTRODUCTION**

16 This matter comes before the court on the Report and Recommendation of United
17 States Magistrate Judge Theiler (R&R (Dkt. # 22)), and Defendant Michael Astrue's
18 objections thereto (Objections (Dkt. # 23)). Having carefully reviewed all of the
19 foregoing, along with all other relevant documents, and the governing law, the court
20 ADOPTS the Report and Recommendation (Dkt. # 22) and REMANDS this matter for
21 further administrative proceedings.

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II. STANDARD OF REVIEW

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The court reviews de novo only those portions of the report and recommendation to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise." *Id.*

III. DISCUSSION

The first objection to the Report and Recommendation challenges Magistrate Judge Theiler's conclusions regarding how the Administrative Law Judge ("ALJ") assessed the opinion of Luci Carstens, a doctor who examined Plaintiff. (Objections at 2.3.) Additionally, Defendant challenges the ALJ's treatment of the opinions of Plaintiff's primary care physician, Dr. Sara Rogers, and Plaintiff's mental health care provider Steve Herndon. (*Id.* at 3.)

Neither of Defendants' arguments raise issues that were not addressed by Magistrate Judge Theiler's Report and Recommendation. The court has thoroughly examined the record before it and finds the Magistrate Judge's reasoning persuasive in light of that record. The court concurs in Magistrate Judge Theiler's conclusions

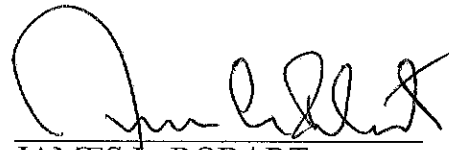
1 regarding the evidence in this case and agrees that the correct result is remand for further
2 administrative procedures. Accordingly, the court hereby adopts the reasoning set forth
3 in Magistrate Judge Theiler's R&R.

4 **IV. CONCLUSION**

5 For the foregoing reasons, the court hereby ORDERS as follows:

- 6 (1) The court ADOPTS the Report and Recommendation (Dkt. # 22) in its
7 entirety;
8 (2) The court REMANDS this matter for further administrative proceedings; and
9 (3) The court DIRECTS the Clerk to send copies of this Order to Plaintiff, to
10 counsel for Defendant, and to Magistrate Judge Theiler.

11 Dated this 11th day of March, 2013.

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13 JAMES L. ROBART
14 United States District Judge
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